89-02

# U.S. Department of Labor
# Program Highlights

Fact Sheet No. OSHA 89-02

## Inspecting for Job Safety and Health Hazards

THE MANDATE: The Occupational Safety and Health act of 1970 seeks to "...assure so far as possible every working man and woman in the Nation safe and healthful working conditions."

As one way to promote worker protection, the Act authorizes the Occupational Safety and Health Administration (OSHA) to set and enforce safety and health standards. The agency conducts inspections to make sure these specific standards are met and that the workplace is generally free from recognized hazards likely to cause death or serious physical harm.

THE CSHO's: OSHA calls its inspectors compliance safety and health officers (CSHO's). They are experienced professionals whose goal is to help employers and workers reduce on-the-job hazards.

INSPECTION PRIORITIES: Not all of the 6 million workplaces covered by federal and state OSHA's can be inspected regularly. The most hazardous conditions need attention first.

o Imminent Danger: Imminent danger situations have top priority. An imminent danger is a hazard that could cause death or serious physical harm immediately, or before the danger could be eliminated through normal enforcement procedures. When compliance officers find imminent danger conditions, they will ask for immediate voluntary correction of the hazard by the employer or removal of endangered employees from the area. If an employer fails to do so, OSHA can go to the nearest federal district court for appropriate legal action.

o Catastrophes and Fatal Accidents: High priority is also given to investigation of job fatalities and accidents hospitalizing five or more employees. Such accidents must be reported to OSHA within 48 hours.

o Complaints: OSHA investigates written and signed complaints by current employees or their representatives of hazards that threaten serious physical harm to workers. Complaints, other than imminent danger, received from anyone other than a current employee or employee representative, or unsigned by a current employee, or received anonymously, may result in a letter from the agency to the employer describing the allegation(s) and requesting a response. OSHA will not reveal the name of the person filing the complaint, if so requested.

o General Schedule Inspections: OSHA routinely conducts safety and health inspections in high-hazard industries, like manufacturing or construction. The agency develops its general schedule for inspecting the most hazardous industries based on various statistical data, such as job injury/illness rates, worker compensation, and other information.

o Programmed Inspections: OSHA has a special program to target safety inspections on the most dangerous individual worksites in manufacturing. After entering a workplace in a high-hazard business, OSHA inspectors consult and verify the log of injuries and illnesses which all employers with more than 10 employees are required to keep. About five percent of OSHA programmed inspections focus on firms in low hazard manufacturing industries and an additional five percent in nonmanufacturing industries.

o Follow-Up Inspections: The agency may reinspect firms cited for imminent danger conditions, or for willful, repeat or serious violations. OSHA may also conduct follow-up inspections to check the progress of long-term hazard correction programs by employers.

THE INSPECTION

o CSHO "Homework": To prepare for an inspection, compliance officers become familiar with the history of the establishment, the operations and processes in use, and the standards most likely to apply. They gather all equipment necessary to test

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for health and safety hazards.

o At the Worksite: When an OSHA inspector arrives, he or she displays official credentials and asks to see the employer. Employers should always insist upon seeing the compliance officer's U.S. Department of Labor credentials bearing their photos and serial number which can be verified by the nearest OSHA office. Employers have the right to require OSHA to obtain a warrant before permitting entry.

o Opening Conference: The compliance officer will explain the nature of the visit, the scope of the inspection and the applicable standards. Copies of the OSHA regulations will be furnished, as will a copy of any employee complaint (edited, if requested, to conceal the employee's identity). The employer will be asked to select an employer representative to accompany the compliance officer during the inspection. An authorized representative of the employees, if any, also has the right to go along. Where there is no such representative, the compliance officer will consult with a reasonable number of employees.

o Walkaround Inspection: After the opening conference, the compliance officer and the representatives may go through the workplace, inspecting for workplace hazards. When talking with workers, compliance officers will try to minimize work interruptions. The Act prohibits discrimination in any form by employers against workers because of anything they say or show the compliance officer during the inspection or for any other OSHA or protected safety-related activity. The compliance officer will discuss any apparent violations noted during the walkaround and will offer technical information as early as possible on how to eliminate hazards.

o Closing Conference: The compliance officer reviews any apparent violations with the employer and discusses possible methods and time periods necessary for their correction. The compliance officer explains that these violations may result in a citation and a proposed financial penalty, describes the employer's rights and responsibilities, and answers all questions.

o Citations: OSHA is required by law to issue citations for violations of safety and health standards. The agency is not permitted to issue warnings. Citations include: 1) a description of the violation; 2) the proposed penalty, if any; and 3) the date by which the hazard must be corrected. In most cases the citations are prepared at the OSHA Area Office and are mailed to the employer. Employers have 15 working days after receipt to file an intention to contest OSHA citations before the independent Occupational Safety and Health Review Commission.

o Settlement Agreements: If an employer believes OSHA's citations are unreasonable, he or she may request an informal conference with the Area Director to discuss any citations issued. The agency and the employer may work out a settlement agreement to resolve the dispute and eliminate the hazard.

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